



General Assembly Security Council

Distr.
GENERAL

A/45/355
S/21408
25 July 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Item 32 of the provisional agenda*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 24 July 1990 from the Chargé d'affaires a.i. of the
Permanent Mission of Indonesia to the United Nations addressed to
the Secretary-General

On behalf of the Permanent Missions to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the joint statement of ASEAN Foreign Ministers on the Cambodian problem, issued in Jakarta on 23 July 1990.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 32 of the provisional agenda, and of the Security Council.

(Signed) Nugroho WISNUMURTI
Ambassador
Chargé d'affaires
Deputy Permanent Representative

* A/45/150.

ANNEX

Joint statement of ASEAN Foreign Ministers on the Cambodian
problem, issued in Jakarta on 23 July 1990

1. The ASEAN Foreign Ministers expressed their deep concern that the global trend towards peace has bypassed Cambodia, despite many attempts to forge a settlement. The Foreign Ministers expressed their regret that the parties to the conflict have failed to bring an end to the suffering of their people and destruction of their country. All parties involved have hardened their positions and retreated from previous areas of agreement. Military conflict has intensified. They believed that the time has come for all parties to the conflict to respond positively to the various peace efforts being pursued and seriously negotiate a comprehensive political settlement.

2. They reiterated their condemnation of all responsible for the policies and practices of the period 1975-1978 which led to the extermination of Cambodians on a large scale. They are firmly of the view that there should not be a return to the situation of 1975-1978. They stressed that no Cambodian group should be allowed to seize or retain power through force of arms.

3. They reiterated their conviction that the conflict can only be settled through peaceful negotiations and rejected the pursuit of military gains at the expense of the interests of the Cambodian people. The Foreign Ministers are of the view that there is a pressing need for a cease-fire as a crucial element of a comprehensive political settlement.

4. The ASEAN Foreign Ministers fully supported an enhanced role for the United Nations in Cambodia. They stressed that there are several possible avenues towards a comprehensive political settlement. There could be a United Nations interim administration for Cambodia, pending elections. There could be a Supreme National Council representing all shades of political opinion that could administer Cambodia in the interim period through existing administrative structures in conjunction with the United Nations. These avenues are acceptable if they allow the Cambodian people to make a choice through credible, free and fair elections under United Nations supervision.

5. The Foreign Ministers are convinced that the Cambodian factions should come to an urgent agreement on the creation of the Supreme National Council as a vehicle towards achieving national reconciliation and a comprehensive political solution to the Cambodian problem. They shared the view that the Supreme National Council should consist of representative individuals with authority among the Cambodian people of all shades of political opinion. They expressed the view that the representation of Cambodia at the United Nations is a delicate political question and that attempts to change the representation of Cambodia at this time, in the absence of an acceptable Supreme National Council, would set back the search for a comprehensive political solution to the Cambodian problem. They are of the collection view that the Supreme National Council should occupy the Cambodian seat at the United Nations after it is formed. The Foreign Ministers expressed the hope

that the Supreme National Council as envisaged in this joint statement would be constituted by the time the forty-fifth session of the General Assembly is convened.

6. The Foreign Ministers are convinced that in working towards the goal of an early comprehensive political settlement to the Cambodian problem His Royal Highness Prince Norodom Sihanouk will continue to play a key role.

7. The ASEAN Foreign Ministers encouraged the five permanent members of the United Nations Security Council to continue and intensify their efforts. ASEAN will continue to co-ordinate its efforts with the five permanent members and the Secretary-General of the United Nations. They expressed the hope that the two Co-Chairmen would be able to reconvene the Paris International Conference on Cambodia as soon as feasible. The Cambodian people have waited too long for a just and durable peace settlement. They deserve it now.



General Assembly Security Council

Distr.
GENERAL

A/45/356
S/21409
25 July 1990
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Item 35 of the provisional agenda*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 25 July 1990 from the Permanent Representative of Lebanon
to the United Nations addressed to the Secretary-General

On instructions from my Government, and further to our previous letters concerning Israeli practices in Lebanon, I have the honour to inform you that the Israeli occupation forces are building a road in the Kawkaba region, where United Nations troops operating in southern Lebanon are stationed. Those in command of the troops attempted to prevent the occupation forces from continuing their operations in the above-mentioned region by blocking the road with vehicles flying the United Nations flag. The Israelis forced their way through the barricade, using a bulldozer to move aside a troop-carrier belonging to the United Nations, so as to finish the road by force. A Norwegian member of the United Nations forces was injured during the incident, and the situation between those troops and the Israeli occupation forces remains tense.

The Lebanese Government strongly condemns such Israeli practices and calls on the international community as represented by the United Nations to take all necessary steps to put an end to the Israeli practices and acts of aggression, which are contrary to the instruments and principles of international law and make a mockery of the most basic human rights. This fresh act of aggression constitutes wilful provocation against the United Nations troops, as well as flagrant disregard of the will of the international community and of Lebanon's sovereignty and territorial integrity.

I should be grateful if you would have the text of this letter circulated as an official document of the General Assembly, under item 35 of the provisional agenda, and of the Security Council.

(Signed) Khalil MAKKAWI
Permanent Representative

* A/45/150.



General Assembly Security Council

Distr.
GENERAL

A/45/360
S/21410
27 July 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 23, 35 and 77 of the
provisional agenda*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND
OTHER ARABS OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 26 July 1990 from the Permanent Observer of Palestine
to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

During the past four days, Al Shiffa Hospital admitted 15 pregnant Palestinian women, who were all suffering symptoms of early childbirth due to the inhalation of poisonous tear-gas. The names of the women, who eventually lost their babies, are as follows:

1. Mounira Fawzi Al Kafarneh, 18 years old, from Beit Hanoun, was two months' pregnant;
2. Hafsah Abu Halim, 23 years old, of Nussarat refugee camp, was two months' pregnant;

* A/45/150 and Corr.1.

3. Zeinab Omar Mattar, 23 years old, of Deir Al Balah refugee camp, was three months' pregnant;
4. Alia Hammad, 21 years old, from Beit Lahia Village, was two months' pregnant;
5. Sabiha Khalil Tabazeh, 23 years old, of Nussarat refugee camp, was three months' pregnant;
6. Amneh Atta Al Massri, 22 years old, from Beit Hanoun village, was three months' pregnant;
7. Azeh Hamed Al Sharif, 22 years old, of Shati' refugee camp, was two months' pregnant;
8. Mona Moustafa Al Halkout, 18 years old, from Al Sheikh Radwan, was four months' pregnant;
9. Ibtissam Mouhammed Afaneh, 20 years old, of Al Shati' refugee camp, was two months' pregnant;
10. Naimeh Harb Abu Tahoun, 25 years old, of Jabalia refugee camp, was three months' pregnant;
11. Shama' Abed Al Karim Shamali, 20 years old, from Al Shaja', was three months' pregnant;
12. Huda Rajab Al Khadi, 22 years old, from Rafah, was three months' pregnant;
13. Fatima Al Jara, 32 years old, from Abssan Al Kabira, was two months' pregnant;
14. Nehma Abu Eideh, 30 years old, from Khan Yunis, was two months' pregnant;
15. Mona Youssif Wadi, 20 years old, of Khan Yunis refugee camp, was two months' pregnant.

Palestine calls upon the Secretary-General and the Security Council of the United Nations to take all appropriate and necessary measures to bring an end to the violent attacks of the Israeli soldiers against the unarmed Palestinian people, and especially women and children, living in the occupied Palestinian territory and to bring adequate pressure on Israel, the occupying Power, to ensure respect for the Fourth Geneva Convention.

A/45/360
S/21410
English
Page 3

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under items 23, 35 and 77 of the provisional agenda, and of the Security Council.

(Signed) Zuhdi Labib TERZI
Permanent Observer of Palestine
to the United Nations



Security Council

Distr.
GENERAL

S/21411
31 July 1990

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 24 July 1990 (S/21406 and Add.1 and Corr.1) and taking note of the observations expressed therein,

Taking note of the letter dated 16 July 1990 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/21396),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 January 1991;
2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;
3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;
4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;
5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.



Security Council

Distr.
GENERAL

S/21412
31 July 1990

ORIGINAL: ENGLISH

LETTER DATED 30 JULY 1990 FROM THE PERMANENT REPRESENTATIVE
OF EL SALVADOR TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to refer to the attached letter dated 19 July 1990 from His Excellency Lic. Alfredo F. Cristiani-Burkard, President of the Republic of El Salvador, addressed to Your Excellency.

I would be grateful if you could circulate this letter as a document of the Security Council.

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative

Annex

Letter dated 19 July 1990 from the President of the Republic
of El Salvador addressed to the Secretary-General

[Original: Spanish]

I have the honour to inform you that both I and our Government are astounded by, and protest most vigorously against, the acts of terrorism committed by the Frente Farabundo Martí para La Liberación Nacional (FMLN) on the eve of the next round of talks to be held in Costa Rica between representatives of our Government and the FMLN. I refer specifically to the murder, on 9 and 17 July 1990 respectively, of Major Carlos Figueroa Morales and Captain Ramón Arístides Reyes, members of the Constitutional Army of El Salvador, and also to the attempted murder of the latter's wife, Mrs. Cecilia Margarita Sandoval de Reyes, who was seriously wounded in the attack.

Acts of terrorism such as these, committed against persons going peacefully about their own business and dressed in civilian clothes, can in no way be considered military actions or acts of war, but instead constitute flagrant and undeniable violations of human rights committed by the groups belonging to the FMLN which have claimed responsibility for these acts.

Such acts call seriously into question the good faith which the irregular forces of the FMLN need to demonstrate in the dialogue in accordance with the letter and spirit of the Agreement signed on 4 April 1990 by our Government and the FMLN, and endorsed by you in your capacity as Secretary-General of the United Nations. These actions by the FMLN cast grave doubt on whether the groups have the serious intentions and good faith they need in order to comply with their commitment to the dialogue.

I request you to bring to the attention of the members of the United Nations Security Council and of the other Members of our Organization our most vehement protest and indignation at these acts of terrorism committed by the FMLN groups. I also request you, through your special representative, to urge the FMLN to reflect upon its actions and to renounce violence as a means of solving political and social conflicts in El Salvador. The Salvadorian people deserves the social peace which it so eagerly desires and which it needs in order to achieve its full and integral development.



General Assembly Security Council

Distr.
GENERAL

A/45/362
S/21413
30 July 1990
ENGLISH
ORIGINAL: ENGLISH AND
FRENCH

GENERAL ASSEMBLY
Forty-fifth session
Item 32 of the provisional agenda*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 30 July 1990 from the Permanent Representative
of Cambodia to the United Nations addressed to the
Secretary-General

I have the honour to enclose herewith, for your information, the Declaration, dated 19 July 1990, by His Royal Highness Samdech Norodom Sihanouk, President of Cambodia and President of the Cambodian National Resistance (see annex).

I should be very grateful if you could have the present letter and its annex circulated as an official document of the General Assembly, under item 32 of the provisional agenda, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

* A/45/150 and Corr.1.

ANNEX

Declaration of 19 July 1990 by the President of Cambodia and
President of the Cambodian National Resistance

The decision of the United States of America and of the European Community to abandon the Cambodian National Resistance and to expel the National Government of Cambodia from the United Nations is an act of very grave injustice, for it constitutes a formidable reward given to the Phnom Penh régime, creation and creature of a foreign Power and traitor to its own fatherland, and a formidable reward given to the Socialist Republic of Viet Nam which, at present, is maintaining yet in Cambodia more than 40,000 élite forces charged with fighting fiercely against the patriotic and resistant Cambodian people, and which is colonizing and annexing an important part of Cambodia with more than 1 million Vietnamese settlers and an arch-criminal modification of the Cambodian land and maritime borders to the benefit of Viet Nam.

On behalf of the patriotic and resistant Cambodian people, I appeal respectfully and fervently to all peoples and Governments the world over committed to justice, peace and freedom, to be so kind as to prevent the National Government of Cambodia, ex-Coalition Government of Democratic Kampuchea (ex-CGDK) from being so unjustly deprived of its seat at the United Nations. To declare the seat of Cambodia vacant would be tantamount to giving unjustly a reward to those who sell their country to a foreign Power and serve only the interests of foreign imperialism, colonialism, neo-colonialism and expansionism and a Nobel prize to the Socialist Republic of Viet Nam, which has been invading Cambodia, continuing to occupy her at present and striving for a Vietnamization and a partition of the Khmer country. The expulsion of the National Government of Cambodia from the United Nations and the de facto recognition of the Vietnamese fait accompli in Cambodia will only result in making the Cambodian National Resistance and the Khmer patriotic people more firmly and fiercely determined to continue further to impel and intensify their just and sacred struggle for the total liberation of Cambodia. The National Government of Cambodia and the Cambodian National Resistance will never accept a pax Vietnamica nor a so-called peace solution dictated by foreign Powers which are working for a de facto partition of Cambodia and prevent the latter from regaining her 100 per cent independence and her territorial integrity within her land and maritime borders internationally recognized up to the eve of the putsch of the junta of Khmer General Lon Nol on 18 March 1970.



Security Council

Distr.
GENERAL

S/21414
30 July 1990

ORIGINAL: ENGLISH

LETTER DATED 30 JULY 1990 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to Your Excellency's attention three major recent violations of the cease-fire by Iraqi forces.

1. Recently, Iraqi forces began causing disorder in Iranian communications around the cease-fire area. On 3 May 1990, Iraqi forces deployed a mobile radar at the GCs of 065-967 on the map of Nowsud interrupting Iranian communications in the region for three hours on the same night.

2. On 20 June 1990, at 1920 hours, three Iraqi helicopters were observed flying from the south towards Kani Sheik in a low altitude, and landing at the GCs of NC 610-280 on the map of Kani Sheik. They flew back to south at 1945 hours.

3. On 25 June 1990, in the early morning, Iraqi forces penetrated the Iranian territory to the GCs of NE 98000-69000 on the map of Sumar, firing two RPG-7 at the group stationed in the site in Baneh causing the martyrdom of three Iranian soldiers and injuring another.

It will be highly appreciated if this letter is circulated as a document of the Security Council.

(Signed) Mohammad Javad ZARIF
Ambassador
Deputy Permanent Representative



Security Council

Distr.
GENERAL

S/21415
30 July 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 30 JULY 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a statement by an official spokesman of the Ministry of Foreign Affairs concerning the statement made by Yuval Ne'eman, the Zionist Minister for Science.

"The statement made by Zionist Minister for Science Yuval Ne'eman to the effect that Israel has the capacity to use chemical weapons came as no surprise to us, since all the indications are that the Zionist entity possesses all types of weapons of mass destruction whether nuclear, chemical and biological weapons or others.

"The attempts made by officials of the Zionist entity to side-step that statement or to obscure it are to no avail. The statement is explicit, and the Zionist Minister is in a position to know what particular weapons his Government possesses since he formerly occupied the position of senior scientist in the Ministry of Defence of the Zionist entity.

"The question that comes directly to mind when confronted with this statement is that of the silence of the United States and the West in general with regard to it, and that at a time when United States and Western circles are moving heaven and earth against Iraq and other States which are arming themselves for the purpose of self-defence.

"The silence of the United States and of the West is yet one more indication of the duplicitous approach of their policy towards the Middle East, which is based on making the Zionist entity the dominant force in the region and a sustained effort to deprive the Arabs of the legitimate means of defending themselves and their interests in the face of Zionist aggression and Zionist ambitions."

S/21415
English
Page 2

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Sabah Talat KADRAT
Chargé d'affaires a.i.



Security Council

Distr.
GENERAL

S/21416
31 July 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 30 JULY 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the Iranian armed forces have committed the following violations of the cease-fire:

1. At 1950 hours on 1 July 1990, the Iranians built two guard posts of corrugated iron and sandbags on the first Iranian embankment, the first at co-ordinates 947796 and the second at co-ordinates 947798, 900 metres from our III Army Corps units.
2. At 0750 hours on 1 July 1990, the Iranians lined a communications trench with block material over a length of 20 metres and to a width of 1 metre at co-ordinates 276695, 600 metres from our VII Army Corps units.
3. At 0800 hours on 1 July 1990, the Iranians dug a 2-metre-long and 1-metre-wide communications trench from the embankment to the bank of the Shatt al-Arab at co-ordinates 271699, 100 metres from our VII Army Corps units.
4. At 1905 hours on 1 July 1990, the Iranians dug a 15-metre-long, 1-metre-wide and 1.5-metre-deep communications trench at co-ordinates 308594, 600 metres from our VII Army Corps units.
5. At 0845 hours on 1 July 1990, four Iranians were observed building a mud hut west of Rakkas at co-ordinates 302961, 1,500 metres from our IV Army Corps units.
6. At 1200 hours on 2 July 1990, an Iranian SPG-9 gun was seen at co-ordinates 287083, 2,000 metres from our V Army Corps units.
7. At 0950 hours on 2 July 1990, an Iranian engineering unit consisting of three dump trucks and a bulldozer was seen strengthening the embankment at co-ordinates 535299, 800 metres from our VII Army Corps units.
8. At 0825 and 0835 hours on 2 July 1990, the Iranians proceeded to dig two communications trenches, the first at co-ordinates 278692 and the second at co-ordinates 274699, 600 metres from our VII Army Corps units.

9. At 0925 hours on 2 July 1990, an Iranian engineering unit consisting of three dump trucks, an excavator, a grader and a roller was seen repairing the embankment at co-ordinates 228722, 700 metres from our VII Army Corps units.
10. At 0700 hours on 3 July 1990, the Iranian engineering unit was again extending the embankment that it built on 17 May 1990 in the Shalhah area in no man's land. The completed work was 150 metres long and 1 metre high and extended from co-ordinates 996740 to co-ordinates 995742, 200 metres from our III Army Corps units.
11. At 1320 hours on 3 July 1990, the Iranians set up a medium-size water pump at co-ordinates 933838, 350 metres from our III Army Corps units.
12. At 1230 hours on 3 July 1990, seven Iranians were seen with an excavator, a dump truck, a fuel truck and a pick-up truck erecting an electricity pole in no man's land at co-ordinates 925860, 900 metres from our III Army Corps units.
13. At 1030 hours on 3 July 1990, the Iranians built 10 positions on the earth rampart between co-ordinates 499451 and 503446, 600 metres from our VII Army Corps units.
14. At 0800 hours on 4 July 1990, the Iranians dug a communications trench at co-ordinates 276695, 600 metres from our VII Army Corps units.
15. At 1830 hours on 4 July 1990, the Iranians dug a 50-metre-long and 1.5-metre-deep communications trench on the embankment at co-ordinates 98665, 750 metres from our VII Army Corps units.
16. At 1900 hours on 4 July 1990, the Iranians dug a 50-metre-long and 1.5-metre-deep communications trench on the embankment at co-ordinates 309592, 600 metres from our VII Army Corps units.
17. At 1630 hours on 5 July 1990, the Iranian engineering unit consisting of two excavators, three bulldozers, two rollers and five dump trucks was again piling up earth at co-ordinates 990739 and building a 100-metre-long road at co-ordinates 991742, 200 metres from our III Army Corps units. The work stopped at 1945 hours.
18. At 0810 hours on 5 July 1990, six Iranians were seen building an observation post of mud north of Musian inside the Iranian positions at co-ordinates 222031, 2,000 metres from our IV Army Corps units.
19. At 0945 hours on 5 July 1990, an Iranian engineering unit consisting of two rollers and an excavator was seen repairing an embankment at co-ordinates 238719, 500 metres from our VII Army Corps units.
20. At 1030 hours on 5 July 1990, the Iranians lined a 15-metre-long and 1.5-metre-deep communications trench with blocks and cement at co-ordinates 276695, 600 metres from our VII Army Corps units.

21. At 0800 hours on 6 July 1990, the Iranians built a hut of blocks on the Iranian mound on the right slope of hill 2039 at co-ordinates 738645, 2,300 metres from our I Army Corps units.
22. At 1900 hours on 7 July 1990, a group of Iranians built an observation post at co-ordinates 550790, 1,000 metres from our II Army Corps units.
23. At 0640 hours on 7 July 1990, the Iranian engineering unit consisting of two excavators, two bulldozers, two rollers and seven dump trucks was again transporting earth from co-ordinates 998731 to co-ordinates 991742 and building 50 metres of road from co-ordinates 991742 to co-ordinates 990743, 200 metres from our III Army Corps units. The work stopped at 0930 hours.
24. At 0700 hours on 7 July 1990, the Iranians dug a 15-metre-long communications trench on the embankment at co-ordinates 274697, 600 metres from our VII Army Corps units.
25. At 0800 hours on 7 July 1990, an Iranian engineering unit consisting of a roller, an excavator, a tanker truck and four dump trucks was seen repairing and raising the level of an embankment at co-ordinates 235720, 600 metres from our VII Army Corps units.
26. At 0715 hours, on 8 July 1990, the Iranian engineering unit consisting of an excavator, a bulldozer, a grader and two dump trucks was again transporting earth from co-ordinates 998734 to co-ordinates 990743 to the new embankment in no man's land, 200 metres from our III Army Corps units. The work stopped at 1130 hours.
27. At 1220 hours on 8 July 1990, seven white-coloured boats were seen, each carrying three Iranians who were fishing in the Shatt al-Arab, at co-ordinates 688147, 1,000 metres from our VII Army Corps units.
28. At 1610 hours on 8 July 1990, the Iranians built an observation post at co-ordinates 540290, 900 metres from our VII Army Corps units.
29. At 0730 hours on 8 July 1990, the Iranians dug a 15-metre-long communications trench at co-ordinates 274697, 600 metres from our VII Army Corps units.
30. At 0835 hours on 8 July 1990, an Iranian engineering unit consisting of a bulldozer, an excavator and three dump trucks was seen repairing and raising the height of the embankment at co-ordinates 236719, 700 metres from our VII Army Corps units.
31. At 1000 hours on 8 July 1990, two dump trucks were seen carrying earth from the rear to the embankment at co-ordinates 404563, 600 metres from our VII Army Corps units.
32. At 1020 hours on 8 July 1990, the Iranians were seen digging a 100-metre-long communications trench on the embankment at co-ordinates 301638, 700 metres from our VII Army Corps units.

33. At 1030 hours on 8 July 1990, an Iranian hoist was seen lifting concrete sections from the old shelters and placing them to the rear of the embankment at co-ordinates 492459, 700 metres from our VII Army Corps units.
34. At 1030 hours on 9 July 1990, the Iranians built a guard post of sandbags on the Iranian rampart at co-ordinates 925922, 2,600 metres from our III Army Corps units.
35. At 0650 hours on 9 July 1990, the Iranian engineering unit consisting of an excavator, a bulldozer and four dump trucks was again transporting earth from co-ordinates 998734 to co-ordinates 990742 for the purpose of strengthening the new embankment in no man's land in the Shalhah area, 200 metres from our III Army Corps units.
36. At 1200 hours on 9 July 1990, a group of Iranians built two new infantry positions near Mount Sandulan at co-ordinates 300082, 3,000 metres from our V Army Corps units.
37. At 1800 hours on 9 July 1990, three Iranians were seen swimming in the Shatt al-Arab at co-ordinates 544240, 600 metres from our VII Army Corps units.
38. At 0730 hours on 9 July 1990, the Iranians dug a 15-metre-long communications trench at co-ordinates 274697, 600 metres from our VII Army Corps units.
39. At 0800 hours on 9 July 1990, an Iranian engineering unit consisting of two excavators and three dump trucks was seen raising the height of the embankment at co-ordinates 2355719, 600 metres from our VII Army Corps units.
40. At 0900 hours on 9 July 1990, the Iranians proceeded to raise the height of the Iranian tower by 1 metre at co-ordinates 309649, 1,900 metres from our VII Army Corps units.
41. At 1035 hours on 10 July 1990, an Iranian excavator was seen opening up a new road between two mounds at co-ordinates 578823 and 585821, 4,000 metres from our I Army Corps units. The length of the completed work was 400 metres.
42. At 0645 hours on 10 July 1990, the Iranian engineering unit was again operating on the new embankment in no man's land in the Shalhah area at co-ordinates 995736 and 998730, 200 metres from our III Army Corps units.
43. At 0830 hours on 10 July 1990, an Iranian engineering unit was operating on the new embankment in no man's land, raising its height by 1 metre, at co-ordinates 944801, 450 metres from our III Army Corps units.
44. At 0850 hours on 10 July 1990, three Iranians were seen fishing at co-ordinates 594178, 600 metres from our VII Army Corps units.
45. At 1610 hours on 10 July 1990, four Iranians were seen swimming in the Shatt al-Arab at co-ordinates 544243, 600 metres from our VII Army Corps units.

46. At 1550 hours on 10 July 1990, the Iranian engineering unit consisting of two bulldozers, two graders, nine dump trucks and a roller was again operating on the new embankment in no man's land in the Shalhah area at co-ordinates 995736 and 998730, 200 metres from our III Army Corps units. The work stopped at 1935 hours.

Flooding operation

The Iranian side is continuing its flooding operation in the direction of our III Army Corps units opposite the defensive positions of our military units. The water levels have been as follows:

47. 1 July 1990

Between co-ordinates 678327 and 902203, 4-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

48. 2 July 1990

Between co-ordinates 678327 and 902203, 3-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

49. 3 July 1990

Between co-ordinates 678327 and 902203, 1-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

50. 4 July 1990

Between co-ordinates 678327 and 902203, 1-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

51. 5 July 1990

Between co-ordinates 678327 and 902203, 1-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

52. 6 July 1990

Between co-ordinates 678327 and 902203, 5-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

53. 7 July 1990

Between co-ordinates 678327 and 902203, 0-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

54. 8 July 1990

Between co-ordinates 678327 and 902203, 0-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

55. 9 July 1990

Between co-ordinates 678327 and 902203, 0-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-75 centimetres.

56. 10 July 1990

Between co-ordinates 678327 and 902203, 0-90 centimetres;
Between co-ordinates 902203 and 902904, 0-120 centimetres;
Between co-ordinates 902904 and 989731, 0-80 centimetres.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Sabah Talat KADRAT
Chargé d'affaires a.i.
Deputy Permanent Representative



Security Council

Distr.
GENERAL

S/21417
31 July 1990

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF
THE DEPUTY REPRESENTATIVE OF ROMANIA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 30 July 1990 from the Permanent Representative of Romania to the United Nations stating that Mr. Valeriu Florean has been appointed deputy representative of Romania on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.



Security Council

Distr.
GENERAL

S/21418
31 July 1990

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 2931st meeting, on 31 July 1990, in connection with the Council's consideration of the item entitled "The situation in the Middle East":

"The members of the Security Council have noted with appreciation the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) (S/21406 and Add.1 and Corr.1), submitted in conformity with resolution 648 (1990).

"They reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

"As the Security Council extends the mandate of UNIFIL for a further interim period on the basis of resolution 425 (1978), the members of the Council again stress the need for the implementation of that resolution in all its aspects. They express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard. They reiterate their full support for the Taif Agreement and for the efforts of the Lebanese Government to extend its authority over all Lebanese territory.

"The members of the Security Council take this opportunity to commend UNIFIL's troops and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances."



General Assembly Security Council

Distr.
GENERAL

A/45/366
S/21419
31 July 1990
ENGLISH
ORIGINAL: ENGLISH
AND FRENCH

GENERAL ASSEMBLY
Forty-fifth session
Item 32 of the provisional agenda*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 31 July 1990 from the Permanent Representative
of Cambodia to the United Nations addressed to the
Secretary-General

I have the honour to enclose herewith, for your information, the statement dated 23 July 1990, of His Excellency Mr. Khieu Samphan, Vice-President of Cambodia in charge of Foreign Affairs and President of the Democratic Kampuchea party.

I should be very grateful if you could have the present letter and its annex circulated as an official document of the General Assembly, under item 32 of the provisional agenda, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

* A/45/150 and Corr.1.

ANNEX

Statement dated 23 July 1990 of the Vice-President of Cambodia
in charge of Foreign Affairs, President of the Democratic
Kampuchea party

1. One of the fundamental principles of the Charter of the United Nations clearly spells out that all countries, small or big, must enjoy equal rights and that the people of each nation must enjoy the right to self-determination, free from any outside interference or coercion. This is a sacred principle which all countries in the world, especially those Member States of the United Nations, must faithfully and unconditionally adhere to and implement so that good relations among nations as well as international peace and security can be maintained.

2. Cambodia, an independent and sovereign country and a full-fledged Member State of the United Nations, has always adhered to and implemented faithfully the above-cited principle of the Charter.

The Cambodian people have never committed any act of provocation, aggression and interference in internal affairs against other nations and peoples, near or far.

The Cambodian people must enjoy their inalienable right to self-determination and to decide their own internal affairs, free from any outside interference or coercion, the same right enjoyed by all other peoples in the world.

3. Nevertheless, on 25 December 1978, Viet Nam, itself a Member State of the United Nations, mobilized several hundreds of thousands of troops to launch its war of aggression against and occupation of Cambodia, which has lasted nearly 12 years now. During the past nearly 12 years, the Hanoi authorities and their puppets have committed genocidal acts and have sown immeasurable devastation, ruin, sorrow and suffering to Cambodia and her people. The First World War and the Second World War together lasted eight to nine years. How much destruction and ruin did they cause, and how high was the toll of human lives? The world community and history have already expressed their horror at the destruction, ruin and human toll caused by both world wars. The world community can certainly imagine the extent and scope of the genocidal crimes and the devastation and ruin imposed on Cambodia, a small and weak country with also a small population, by the Hanoi authorities and their puppets during the past nearly 12 years of their war, which is going on with no end in sight yet. The horrors of the crimes and devastation caused by their war in Cambodia far exceed those in the history of Cambodia, of the world and of mankind.

Hence, the world community is able to judge the just cause of the Cambodian people's struggle, whose objective is the survival of their nation as an independent and sovereign country within her territorial integrity and for their sacred right to self-determination.

By the same token, the world community has also been able to see that the Cambodian people and nation have the right and the full capability to decide their own destiny.

/...

4. It is known to all that the Vietnamese war of aggression against Cambodia has not only denied the Cambodian people their right to self-determination, but has also ruthlessly trampled upon the sacred principles of international law and the Charter of the United Nations. It has also threatened the peace, security and stability of South-East Asia, the Asia-Pacific region and the world at large.

That is why the world community has vigorously condemned the Vietnamese aggressors for the past nearly 12 years. The United Nations General Assembly has, over the past 11 years in a row, condemned them and called upon them to withdraw unconditionally all categories of their forces from Cambodia and to respect the right to self-determination of the Cambodian people free from any outside interference or coercion.

Yet, the Hanoi authorities continue very stubbornly to pursue their war of occupation of Cambodia and to commit genocidal crimes against the Cambodian people. They have trampled upon the United Nations resolutions and have not heeded the repeated call of the international community. They have even gone so far as to carry out all kinds of manoeuvres aimed at legalizing their war of aggression and liquidating the Cambodian patriots who are fighting against them for the right to self-determination of Cambodia and her people. This is indeed a scheme of the Hanoi authorities, a big "thief, calling stop thief".

If a country were allowed to trample at will upon the rights of other peoples and countries in disregard of international law, the principles governing relations among States as contained in the United Nations Charter, what would become of the international order?

5. Therefore, how can the war of aggression and occupation waged by the Hanoi authorities and their puppets in Cambodia be resolved? There must be a comprehensive political settlement in conformity with international law and the principles of the United Nations Charter. The key elements are as follows:

- (i) As the aggressors, the Hanoi authorities must withdraw all categories of Vietnamese forces from Cambodia;
- (ii) The vital role of the United Nations in the whole process of verification and control during the whole process of the comprehensive settlement;
- (iii) The role to be played by the four Cambodian parties in the search and the implementing of the comprehensive agreement. Only with the four Cambodian parties can there be genuine national reconciliation in conformity with international law and the United Nations Charter especially the principle of the respect for the right to self-determination of the people of each country.

6. The fact that the National Government of Cambodia (NGC) and the Cambodian National Resistance (CNR) under the leadership of H.R.H. Samdech Norodom Sihanouk have been able, in their national liberation struggle, to win successive victories over the past nearly 12 years clearly testifies that they have enjoyed the support of the Cambodian people. Needless to say, without such support it would have been impossible to win those victories.

A just and fair settlement of the Cambodian problem in conformity with the principles of the respect for freedom and democracy can only come about on the basis of the right of the Cambodian people to decide their own destiny, to choose their own leaders free from any outside interference or coercion. Only the Cambodian people can judge who are good or bad through free and fair elections.

Here, in the spirit to put an end to the Vietnamese war of aggression as soon as possible with an equitable settlement, to remove any suspicion and not to allow any one Cambodian party to be advantaged, the National Government of Cambodia and the Cambodian National Resistance have called for the presence of an international peace-keeping force and an international control mechanism of the United Nations in Cambodia with a mandate for the verification and control of the whole process of the comprehensive settlement.

Furthermore, the fact that the NGC and CNR have gone so far as to accept the puppet régime installed in Cambodia by Viet Nam as one party in the settlement process reflects the righteousness and integrity of the NGC and CNR, who want genuine national reconciliation, real peace and security for the Cambodian nation and people. Actually, that régime is a régime of traitors who have sold their nation, an illegal régime that can claim no legitimacy.

7. The overwhelming majority of the peoples and governments in the world have, during the past nearly 12 years, provided successive support to the Cambodian people's struggle, defended the legal seat of the National Government of Cambodia under the leadership of H.R.H. Samdech Norodom Sihanouk at the United Nations, and called for the withdrawal of all the Vietnamese forces from Cambodia. This is not only a just stance but also an important contribution to defending the United Nations Charter and international law as well as the peace, security and stability of South-East Asia, the Asia-Pacific region and the world at large. This will guarantee that the United Nations Charter and international law will prevail over the law of the jungle.

The Cambodian people, in their present efforts in the struggle, have no other objective than to defend their right to live as a people and a nation with their own national honour and dignity, their own customs and ways of life and their national cultural heritage in an independent, neutral and non-aligned Cambodia within her territorial integrity, and to be able to exercise freely their right to self-determination. By their struggle, the Cambodian people have also actively contributed with the countries and peoples of South-East Asia, the Asia-Pacific region and the world at large to safeguarding the peace, security and stability of the regions of South-East Asia and Asia-Pacific and of the world.

The Cambodian people would like to take this opportunity to express their deep and everlasting gratitude to the peoples and Governments of ASEAN, of the Asia-Pacific region and in the world for the justice they have done to the Cambodian people.

The Cambodian people would also like to appeal to them to continue to provide that support until the Vietnamese war of aggression be put to an end through a comprehensive settlement in conformity with the spirit and principles of the United

A/45/366
S/21419
English
Page 5

Nations Charter of opposing the aggression and of respecting the right to self-determination of the people of Cambodia free from any outside interference or coercion. They will thus contribute in safeguarding peace, security and stability of South-East Asia, the Asia-Pacific region and the world.



General Assembly Security Council

Distr.
GENERAL

A/44/967
S/21420
1 August 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fourth session
Agenda item 47
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-fifth year

Letter dated 31 July 1990 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General

I have the honour to submit, enclosed herewith, a letter addressed to you by His Excellency Mr. Özer Koray, Representative of the Turkish Republic of Northern Cyprus, to which is attached the text of a paper entitled "Opinion on the legal status in international law of the Turkish Cypriot and the Greek Cypriot communities in Cyprus".

I would be grateful if my letter and its enclosures could be circulated as a document of the General Assembly, under agenda item 47, and of the Security Council.

(Signed) Mustafa AKŞIN
Ambassador
Permanent Representative

A/44/967
S/21420
English
Page 2

ANNEX

Letter dated 31 July 1990 from Mr. Özer Koray to
the Secretary-General

Upon instructions from my government, I have the honour to enclose herewith the text of a paper entitled "Opinion on the Legal Status in International Law of the Turkish Cypriot and the Greek Cypriot Communities in Cyprus" written by eminent United States lawyer Mr. Monroe Leigh, dated 20 July 1990.

(Signed) Özer KORAY
Representative of the
Turkish Republic of
Northern Cyprus

/...

APPENDIX

Opinion dated 20 July 1990 on the legal status in international law of the Turkish Cypriot and the Greek Cypriot communities in Cyprus prepared by Mr. Monroe Leigh

I have been asked to give an opinion on the status in international law of the Turkish Cypriot and Greek Cypriot communities in Cyprus. Negotiations concerning the relationship between the two communities in Cyprus have for some time been taking place under the auspices of the Secretary-General of the United Nations. After a review of the historical and legal situation of Cyprus, it is my opinion that the Greek Cypriot and Turkish Cypriot régimes participating in these negotiations, and the respective communities which they represent, are presently entitled to exercise equal rights under international law, including rights of self-determination.

Before considering in detail the legal position of the Greek and Turkish Cypriots, I wish to make an important point about my use of terminology in this opinion. I understand that there has been much discussion between Mr. Denktas, President of the Turkish Republic of Northern Cyprus, Mr. Vassiliou, President of the (Greek) Republic of Cyprus, and the Secretary-General of the United Nations, Mr. Pérez de Cuéllar, about how to refer to the Greek Cypriots and the Turkish Cypriots, both during the course of their negotiations and also in the new political order which it is their aim to establish in Cyprus. In my opinion, whether these entities are referred to as communities, peoples, constituent parties, régimes, or by any other term, has no determinative or conclusive effect on their present international legal status.

Any analysis of the position of the Greek Cypriot and Turkish Cypriot peoples in international law must begin with the establishment on the Island of Cyprus, in 1960, of the Republic of Cyprus. The government of the Republic of Cyprus established in accordance with the 1960 Constitution succeeded the British colonial administration as the legitimate government of the territory comprising the island of Cyprus on 16 August 1990. 1/

The colony of Cyprus achieved its independence following the promulgation of three multilateral treaties, which in turn evolved from an earlier document known as the London Memorandum. 2/ Each treaty was signed by representatives of Britain, Greece, Turkey, and, for the Republic of Cyprus, by representatives of both the Greek Cypriot community and the Turkish Cypriot community, in their separate capacities. In the Treaty of Establishment it was contemplated that the Republic of Cyprus would have sovereignty over the territory of the former colony, with the exception of two British military installations. In the Treaty of Guarantee, the signatories undertook to recognize and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and "the state of affairs established by the Basic Articles of its Constitution." Finally, in the Treaty of Alliance, the signatories undertook to resist any attack or aggression directed against the independence or territorial integrity of the Republic of Cyprus. 3/

The Constitution of Cyprus, which entered into force on the same day as the three treaties, was the product of two prior international agreements. The "Basic Articles" of the Constitution were first set out in the Zurich Agreement of 11 February 1959, between Greece and Turkey. These Basic Articles, which will be discussed below, largely determined the structure of the Government of the Republic of Cyprus, including the precise manner in which power would be shared by the Greek Cypriot and Turkish Cypriot communities. Representatives of the Greek Cypriot and Turkish Cypriot communities initialled the Agreement. In the Agreed Measures to Prepare for the New Arrangements in Cyprus, of 19 February 1959, Greece, Turkey and Britain agreed that a Joint Constitutional Commission composed of representatives of the Greek Cypriot and Turkish Cypriot peoples, Greece and Turkey would draw up a final Constitution incorporating the Basic Articles.

The Constitution thus developed effectively incorporated all of these international agreements. Article 181 of the Constitution declares that the Treaties of Guarantee and Alliance "shall have constitutional force." Article 182 of the Constitution provides that the Basic Articles, derived from the Zurich Agreement, "cannot, in any way, be amended, whether by way of variation, addition or repeal." Article 185 states that "the territory of the Republic is one and indivisible" and that total or partial union with any other State or separatist independence is excluded.

The international agreements by means of which the Republic of Cyprus was established as a sovereign state and under which the structure of its government was determined, as well as the Constitution resulting from them, recognized as binding among the parties the equal status of the Greek Cypriot and Turkish Cypriot communities, and their equal rights to an effective role in the government of their island and in determining their political futures. At the outset of the negotiations leading to the independence of Cyprus, the British Colonial Secretary, Mr. Lennox-Boyd, declared: "it will be the purpose of Her Majesty's Government to ensure that any exercise of self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, shall, in the special circumstances of Cyprus, be given freedom to decide for themselves their future status." 4/ Therefore, in all of these documents rights to determine their political future were recognized in both the Greek Cypriot community and the Turkish Cypriot community, and they in turn pledged to exercise those rights jointly to create a single state governing all the territory and peoples of Cyprus.

The Basic Articles of the Constitution were carefully drafted to perpetuate both the recognized equality of the two communities and their obligation to share the attributes of sovereignty. The very first article provided that the President of the Republic would be a Greek Cypriot and the Vice-President would be a Turkish Cypriot. These officials were to be elected simultaneously but separately by majority votes of their respective communities. Unlike most presidents and vice-presidents, these two officers shared most essential executive powers. Most importantly, each was empowered to veto in whole or in part any law concerning foreign affairs, defense or security. Article 50. The Council of Ministers, the House of Representatives, the judiciary, the military and the civil service were likewise divided between the two communities in agreed proportions, "independent of

any statistical data." Articles 46, 62, 123, 129, 153. In order to be enacted, most important laws required concurrent majority votes in the delegations of the two communities to the House of Representatives. Article 78. Taken together, these articles assured that neither community could take significant political action at the national level without the other's concurrence.

Concomitantly, a second group of constitutional articles gave the two communities extensive powers of self-government. All legislative power concerning matters of religion, education, personal status, municipal institutions and affairs was reserved to the exclusive competence of a Greek Cypriot and a Turkish Cypriot Communal Chamber, each elected by and ruling over its respective community. Each Communal Chamber could appoint judges to hear disputes arising out of matters under its competence and could raise taxes from its own people to support its separate programmes. Articles 86 and 87. In addition, separately governed Greek Cypriot and Turkish Cypriot municipalities were to be created in the five largest towns in Cyprus. Article 174.

The Republic of Cyprus was duly declared on 16 August 1960, and promptly recognized by the international community. The Republic was admitted to the United Nations on 21 September 1960, became an independent member of the British Commonwealth on 13 March 1961 and became the sixteenth member of the Council of Europe on 24 May 1961.

Unfortunately, this carefully balanced and internationally sanctioned régime lasted only a little over three years. On 30 November 1963, Archbishop Makarios, the duly-elected Greek Cypriot President of the Republic, proposed to the Guarantor powers thirteen amendments to the Cypriot Constitution. 5/ These proposed amendments - six of them to Basic Articles which were declared immutable by treaty and constitutional provision - had as their obvious purpose the elimination of the carefully negotiated balance of power between the two communities. 6/ When adopted these thirteen amendments would decisively shift the balance of power so as to favour the numerical majority - and hence assure Greek Cypriot rule. 7/

Civil disorder and armed violence broke out throughout the island. As an element of this crisis, the Turkish Cypriot members of the Government of the Republic of Cyprus either withdrew or more likely were forced from their offices. 8/ Shortly thereafter, the Greek Cypriot members of the government, purporting to act in legitimate exercise of their offices, enacted all thirteen amendments. They contended that the Turkish Cypriots could now only be re-admitted as partners in the administration if they accepted the amendments passed in their absence. 9/ Since the Turkish Cypriot members could not accept these illegal amendments, they never resumed their seats in the legislature.

The unilateral usurpation of authority by the Greek Cypriots was an obvious violation of the Constitution, as well as the treaty obligations accepted by the Greek Cypriot community. The Greek Cypriot régime had violated Article 182 of the Constitution, which stated that the Basic Articles "[could] not, in any way, be amended, whether by way of variation, addition or repeal," and which required concurrent two-thirds votes of the Greek Cypriot and Turkish Cypriot members of the House of Representatives for all other amendments. Their actions simultaneously

/...

contravened Article I of the Treaty of Guarantee, in which the Republic of Cyprus undertook "to ensure ... respect for its Constitution." Both Britain and Turkey issued diplomatic protests condemning the amendments as "contrary to the Constitution of the Republic of Cyprus, which is under the safeguard of international treaties." 10/ These 13 amendments, and the situation dependent upon them in the area under Greek Cypriot control, cannot therefore be validly accorded any international recognition.

From 1964 until the present, the Greek Cypriot régime has claimed to be the legitimate government of the Republic of Cyprus, with sovereign rights over the whole Island and all of its inhabitants. There is no legal basis in international law for such a claim. The formation of a régime founded on the unilateral usurpation of rights specifically reserved to the Turkish Cypriot people contravenes the plain language and obvious intent of the Treaty of Guarantee, the Zurich Agreement and the 1960 Constitution. The Greek Cypriot régime is neither the government of the "Republic of Cyprus" originally recognized by the community of nations in 1960 nor the legitimate successor of that government. The Greek Cypriot régime therefore had in 1964 and has today no right under international law to claim that it speaks for the Turkish Cypriot community or that it wields the sovereign powers that devolved upon the Republic of Cyprus in 1960.

Whatever the pretensions of the Greek Cypriot régime, the practical consequence of the events of 1963-1964 was the emergence of parallel administrative, judicial and legislative organs for each of the two peoples. Increasingly from 1964 onwards, the Greek Cypriot régime which purports to be the government of the Republic of Cyprus has not exercised over the Turkish Cypriot people any of the significant incidents of sovereign control reserved to the Government of the Republic of Cyprus in the 1960 Constitution. 11/ Instead, virtually all decisions governing the conduct of Turkish Cypriots have been made by the governmental institutions of the Turkish Cypriot community, and virtually all decisions concerning the conduct of Greek Cypriots have been made by the governmental institutions of the Greek Cypriot community. Physically, the two communities have become increasingly separated. 12/

This practice of parallel self-government and physical separation of the two Cypriot communities continued after the coup of 15 July 1974, staged by elements of the Greek Cypriot National Guard but foiled by the Turkish intervention, which began on 20 July. In the Geneva Declaration of 30 July 1974, the Foreign Ministers of Greece, Turkey and Britain noted "the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community." The Turkish intervention 13/ could not and did not alter the equal legal status of the two Cypriot communities, which derived from the earlier treaties and Constitution; nor was it the origin of the physical separation of the Greek and Turkish Cypriot peoples, who had been living as separate, self-governing communities since at least 1964.

The legal rights of the Turkish Cypriot community predate and were manifested by the proclamation in 1975 of the Turkish Federated State of Cyprus. The Turkish Cypriots considered it necessary to "creat[e] in their own region the legal basis of an order leading to the establishment of the future independent, Federal

/...

Republic of Cyprus" and reaffirmed that "their final objective is to unite with the Greek Cypriot community within the framework of a biregional federation." 14/ This exactly describes the form of the federal system toward which the leaders of the two communities, meeting under the auspices of the Secretary-General of the United Nations, subsequently agreed to negotiate in their Four Guidelines of 12 February 1977. 15/

Similarly, the long-delayed decision of the Turkish Cypriot Community in 1983 to declare itself the independent Turkish Republic of Northern Cyprus cannot lessen the rights to self-determination that the Turkish Cypriot people share equally with the Greek Cypriot people. For more than 20 years the Turkish Cypriot community has negotiated in good faith with representatives of the Greek Cypriot community to come to a lasting political solution to their island's troubles. The fact that the Turkish Cypriots restrained themselves for 20 years from proclaiming a separate Turkish Cypriot Republic was, under the circumstances, an act of continuing forbearance, the exhaustion of which can hardly be condemned, and stands in sharp contrast to the actions of the Greek Cypriot community in forcibly dismantling the constitutional Cypriot régime three years after their specific commitment to preserve it. 16/ The events of 1983 are not the source of the Turkish Cypriots' legal rights to determine their political future and to play an effective role in the government of the island, nor did they alter those pre-existing legal rights.

Much consequence has been drawn by some observers, and by the Greek Cypriot community, from the fact that numerous States have recognized the Greek Cypriot régime as the sole government of Cyprus. Although certain minimal criteria of statehood are required by customary international law, the recognition of governments is, none the less, an act of an inherently political, rather than legal, character. 17/ The mere fact of international recognition, no matter how widespread, cannot excuse or confer legitimacy upon the violations of both domestic constitutional law and international treaty law through which the Greek Cypriot régime usurped the name as well as the government of the "Republic of Cyprus," particularly since it never exercised sovereignty over the whole island. 18/

In any event, the most that can be said is that the international community has not withdrawn its recognition of the Republic of Cyprus established in 1960. The recognition of a government cannot automatically carry with it the recognition of all future governments of that state. 19/ The Greek Cypriot régime has assumed the title "Republic of Cyprus" but abandoned the substance. Since that time, no state has affirmatively recognized a "Greek Republic of Cyprus" based on the amended constitution. All they have done is continue to treat Cyprus as a single state.

When the subject of statehood, rather than recognition, is examined, it is apparent that the territory controlled by the Turkish Cypriot government is at present no less eligible for statehood than its Greek Cypriot counterpart. The traditional indicia recognized by customary international law for the existence of a state are: a permanent population, a reasonably well-defined territory, an effective government, and independence from foreign control of decision-making, particularly regarding relations with other states. 20/ "An entity that satisfies

[these] requirements ... is a state whether or not its statehood is formally recognized by other states." 21/

Since the Turkish Republic of Northern Cyprus satisfies all the formal legal prerequisites for statehood, 22/ it is clear that international law does not forbid its recognition by other states. 23/

Even though resolutions of the Security Council of the United Nations have condemned or regretted certain events that have taken place on Cyprus, including the Turkish Cypriots' declaration of independence, the resolutions of the Security Council and the General Assembly have consistently recognized that, in the context of negotiations between the two Cypriot communities, they should and do bargain "on an equal footing." 24/ The Secretary-General has for many years offered his good offices to the two Cypriot communities to foster negotiations toward a mutually satisfactory settlement. Under his auspices, Greek Cypriot and Turkish Cypriot representatives have entered into several interim agreements indicating that neither community enjoys any special status relative to the other. 25/ In a recent resolution the Security Council reiterated its call for the two communities to "reach freely a mutually acceptable solution." 26/ Thus while the United Nations has not recognized the Turkish Republic of Northern Cyprus by admitting it to membership, it has always accepted the Turkish Cypriot community's right to determine its political future not only in conjunction with but also on an equal footing with the Greek Cypriot community.

Putting aside the talisman of recognition, it is clear that neither of the governments existing on the Island is qualified to assert that it is the government of the "Republic of Cyprus." But while the treaties and agreements of 1959-1960 cannot legally be disregarded by one party in its own interest, they can surely be replaced by the assent of both parties to a new, mutually satisfactory political order. Thus, sovereignty would devolve fully and legitimately on any new Cypriot government if the successor state or states were the product of a concurrent exercise of self-determination by the two communities superseding the joint exercise through which the 1960 Republic was established. 27/

In summary, the Turkish Cypriot community has a legal right to negotiate from a status of equality with the Greek Cypriot community in the current attempt, under the auspices of the Secretary-General, to reach a workable political solution for the unfortunate situation in Cyprus. The Greek Cypriot people has never had the right to assert sovereignty over the Turkish Cypriot people without their consent. Nor, from the moment the Greek Cypriots unilaterally rejected the constitutional basis on which the legitimacy of the Cypriot government rested in international law, has the Greek Cypriot régime had any right to assert sovereignty over the island. Since that time, practical necessity has created two governments on Cyprus. The rights of the peoples of the two communities to determine their own political futures have remained unchanged and in all respects are equal. The nations of the world, through resolutions of the Security Council and General Assembly of the United Nations, have recognized and consistently reaffirmed these rights, as have the two communities themselves in their interim negotiated agreements. Under these circumstances, international law does not sanction differential treatment of the two communities in the current negotiations or in any

/...

resulting settlement. If these efforts to establish a federal government of Cyprus - with the equal participation and mutual acceptance of the two peoples - should fail, each régime - the Turkish Cypriot no less than the Greek Cypriot - would be eligible for recognition as an independent state. Such recognition by other states would not then infringe any principle of international law.

Notes

1/ Sovereignty was formally passed from Britain to the Republic of Cyprus by the Cyprus Act, 1960, 8 and 9 Eliz. II, c. 52.

2/ The London Memorandum of 19 February 1959 was a collection of agreements signed by the Prime Ministers of Great Britain, Greece and Turkey "as the agreed foundation for the final settlement of the problem of Cyprus". These agreements included texts for the Treaties of Guarantee and Alliance (United Nations, Treaty Series, vol. 382 (1960), No. 5475 and ibid., vol. 397 (1961), No. 5712), the "Basic Structure of the Republic of Cyprus" (an outline of the essential provisions of the anticipated Cypriot Constitution), and declarations by representatives of the Greek Cypriot and Turkish Cypriot communities accepting the other documents "as the agreed foundation for the final settlement of the problem of Cyprus."

3/ Great Britain was not a signatory to the Treaty of Alliance.

4/ 562 Parliamentary Debate, House of Commons (5th ser.) 1267-68 (1956). He explained that in the event of any exercise of self-determination in the colony, "I cannot see how it is anything other than logical to grant a community with such close interests with Turkey, and only 40 miles away, the same rights as we are prepared to recognise should go to the Greek community." See ibid., pp. 1269-70. "In other words," he said, "Her Majesty's Government recognise that the exercise of self-determination in such a mixed population must include partition among the eventual options." See ibid., pp. 1267-68. For a further illustration of this point of view, see Blay, "Self-Determination in Cyprus: The New Dimensions of an Old Conflict", 10 Australian Yearbook of International Law 67, 71-72 (1984) (describing this speech as illustrative of an "implied concept of double self-determination for Cyprus").

5/ The text of these proposed amendments is most conveniently set out in Ehrlich, "Cyprus, the 'Warlike Isle': Origins and Elements of the Current Crisis", 18 Stanford Law Review 1021, 1043 n. 95 (1966).

6/ That the amendments were in fact intended to eliminate the constitutional balance of power has received confirmation in published accounts of the "Akritas Plan". The Akritas Plan was first publicized in the Greek Cypriot newspaper Patris on 21 April 1966. According to J. Reddaway, this plan was a blueprint for securing Greek dominance and suggests that one of the goals of the amendments was to ensure the withdrawal of the Turkish Cypriots from their role in the government established by the Constitution. J. Reddaway, Burdened with Cyprus, pp. 133-34 (1986). While the authenticity of the plan has been questioned, Glafkos Clerides, then Greek Cypriot President of the House of Representatives, confirmed it as

/...

Notes (continued)

genuine in an interview with Richard Patrick in 1971. R. Patrick, Political Geography and the Cyprus Conflict (1976).

7/ The government of Turkey immediately rejected the proposal. The Times (London), 7 December 1963, p. 7. Archbishop Makarios refused to accept any rejection by the Turkish Cypriots. The Times (London), 24 December 1963, p. 6.

8/ Exactly how the Turkish Cypriot members of the government were removed is a matter of historical dispute. Some sources claim that they voluntarily walked out in protest. See, e.g., Blay, supra note 4, p. 77 ("When the Turkish Cypriots withdrew from the government in the 1963-1964 crisis ..."); Evivriades, "The Legal Dimension of the Cyprus Conflict", 10 Texas International Law Journal 227, 247 (1975) ("The Turkish Cypriots, alleging a preconceived Greek plan for their extermination, withdrew from the government and barricaded themselves in their own neighborhoods, refusing to allow intercourse with the Greek Cypriots unless their constitutional rights were strictly observed."). Others claim that they were forcibly removed from their offices by the Greek Cypriots. See, e.g., M. Tamkoc, The Turkish Cypriot State: The Embodiment of the Right of Self-Determination 74 (1988) ("This was a peculiar, probably a unique, takeover of the government of a State, because the governing leadership dislodged their colleagues from office by brute force, colleagues who had as much right as they to manage the affairs of a functionally federated State."); N. Ertekun, The Cyprus Dispute and the Birth of the Turkish Republic of Northern Cyprus 11 (2nd ed. 1984) ("All Turkish Cypriots were physically barred from taking part in the administration of the Island."). Still other sources admit that they do not know the truth. See, e.g., Wolfe, "Cyprus: International Law and the Prospects for Settlement", 84 Proceedings of the American Society of International Law 107, 109 (1984) ("Turkish Cypriot leaders withdrew or were forced from government ...").

Whatever the reason for their physical absence, it is clear that they did not formally resign their offices. Dr. Kutchuk continued to identify himself as the Vice-President of the Republic of Cyprus, although in 1965 the "Government ... stated that it no longer recognized Dr. [Katchuk] in his capacity as Vice-President." See report of the Secretary-General on recent developments in Cyprus (S/6569, para. 10) (29 July 1965).

9/ See report of the Secretary-General on recent developments in Cyprus (S/6569, para. 11) (29 July 1965) (noting that Mr. Clerides, President of the House of Representatives, "made it plain [to Turkish Cypriot members seeking readmission to the House] that, unless [the Turkish Cypriots agreed to four preconditions, including acceptance of laws passed in their absence abolishing the constitutional requirement of separate majorities], he would not permit the Turkish Cypriot members to attend the House. Mr. Clerides also stated that the constitutional provisions concerning promulgation of the laws by the President and the Vice-President were no longer applicable. He subsequently stated that in his opinion the Turkish Cypriot members had no legal standing any more in the House.").

Notes (continued)

10/ Note dated 27 July 1965, from the Turkish Embassy in Nicosia to the Minister for Foreign Affairs of Cyprus (concerning the amendment to the electoral law abolishing separate Greek and Turkish Cypriot electoral rolls). See note dated 24 July 1965 from the British High Commission in Cyprus to the Government of Cyprus (objecting to the passage of the law providing for elections without divided electoral rolls by stating that "[a]s one of the Guarantor Powers the British Government protests against this action which is in breach of basic articles of the Constitution of the Republic of Cyprus."). These diplomatic notes and the Greek Cypriot replies rejecting both notes are reprinted in United Nations document S/6569/Add.1 (5 August 1965).

11/ See report of the Secretary-General on the United Nations Operation in Cyprus (S/6228, para. 203) (11 March 1965) (noting the "inaccessibility of the areas inhabited entirely by Turkish Cypriots to the Government's law-enforcing authorities and officials. The organs of the State are thus powerless in these areas to administer justice."). For example, this government has never collected any taxes from the Turkish Cypriot community. See *ibid.*, paras. 178-181 (describing the Turkish Communal Chamber's withdrawal of authority from the Cyprus Inland Revenue Department to collect the Chamber's income tax from Turkish Cypriots, effective 18 February 1965). Likewise, its courts have not judged cases involving Turkish Cypriots. See *ibid.*, para. 193 (In Nicosia "[t]he work of the courts, however, has been almost entirely confined to those cases where the parties involved are Greek Cypriots. Only Greek Cypriot litigants and Greek Cypriot counsel have attended the courts to transact business.").

12/ This physical separation began well before the 1974 Turkish intervention. See report of the Secretary-General to the Security Council on United Nations operations in Cyprus (S/5950, paras. 29-30) (10 September 1964) (describing the creation of Turkish Cypriot enclaves after December 1963, especially concentrated in Nicosia and its northern suburbs, a narrow strip astride the road from these suburbs to Kyrenia, the town of Louroujina, the Lefka region and two beachheads at Kokkina and Limnitis); report of the Secretary-General on recent developments in Cyprus (S/6569 and Add.1 and 2) (29 July 1965) (describing a reference made by Mr. Clerides, the Greek Cypriot President of the House of Representatives, to "Turkish [Cypriot] areas").

13/ Although legal commentators disagree on the legitimacy under international law of the extension of the Turkish intervention in August of 1974, it remains a fact that the situation was under close scrutiny by the Security Council and that body did not at any point determine that the Turkish action was a breach of the peace or an act of aggression. The furthest that the Council went was to express concern at the situation resulting from "military operations" (a term broad enough to include the actions of Greek as well as Turkish forces) "which constituted a most serious threat to peace and security in the Eastern Mediterranean area" and to record "its formal disapproval of unilateral military actions undertaken against the Republic of Cyprus" (again a term which, being used in the plural, was wide enough to cover Greek no less than Turkish military action). United Nations Security Council resolution 360 (1974). In any case, the

/...

Notes (continued)

important point is that the Turkish intervention is not the source of the Turkish Cypriots' rights to determine their political future. Nor should the Turkish Cypriot people be chargeable with responsibility for the actions of the government of Turkey in 1974 under its interpretation of its responsibilities as a Guarantor Power under the 1960 treaty.

14/ S/11624, annex II (1975) (entitled "Statement by Vice-President Denktas dated 13 February 1975").

15/ See S/12323. Guideline 1 reads: "We are seeking an independent, non-aligned bi-communal Federal Republic." Guideline 2 anticipated that there would be "territory under the administration of each community."

16/ Indeed, the parliamentary resolution declaring the foundation of the Turkish Republic of Northern Cyprus contained specific assurances that the "proclamation of the Turkish Republic of Northern Cyprus will not hinder the two equal Peoples and their administrations from establishing a new partnership within the framework of a genuine federation". Declaration of Independence and Resolution Adopted by the Turkish Cypriot Parliament on 15 November 1983, para. 22 (b).

17/ United States courts have consistently ruled that whether a government should be recognized is a political question whose determination is within the exclusive prerogative of the Executive branch. Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 410 (1964); National City Bank of New York v. Republic of China, 348 U.S. 356, 358 (1955). See Restatement No. 204 ("Under the Constitution of the United States, the President has exclusive authority to recognize or not to recognize a foreign state or government, and to maintain or not to maintain diplomatic relations with a foreign government.").

International legal scholars likewise agree that recognition is a political act. See, e.g., B. Jankovic, Public International Law 100 (1984) (translation from the 5th Serbocroatian edition by M. and B. Milosavljevic) ("It is obvious that in granting individual recognition states are motivated by their own political interests, and that recognition is basically a political act."); I. Brownlie, Principles of International Law 94 (3d ed. 1979) ("Recognition, as a public act of state, is an optional and political act and there is no legal duty in this regard."); Akehurst, A Modern Introduction to International Law 63 (3d ed. 1977); G. von Glahn, Law Among Nations 91 (3d ed. 1976); J. Brierly, Law of Nations 140 (6th ed., Waldock, 1963).

18/ See J. Brierly, supra note 16, p. 147 ("the recognizing state is not concerned with the question whether the state of things which it is recognizing is legal by the national law of another state"); id. pp. 148-49 ("On the declaratory view of the nature of recognition its granting or withholding does not, so far as international law is concerned, affect the status in law of the state or government to which it is accorded or from which it is withheld.").

Notes (continued)

19/ Recognition of a State and recognition of a particular governmental régime are two different things. See I. Brownlie, Principles of Public International Law 95 (3rd ed. 1979) ("Non-recognition of a particular régime is not necessarily a determination that the state represented by that régime does not qualify for statehood."); Restatement No. 203, comment a (while a state cannot recognize a régime as a government without thereby accepting the statehood of the entity which the régime claims to be governing, "[a] state can, however, recognize or treat an entity as a state while denying that a particular régime is its government"). It follows therefore that a state may derecognize a régime as the government of another state without derecognizing the state it governs and without formally recognizing any other government. Restatement No. 203, comment f.

20/ See Montevideo Convention on the Rights and Duties of States, 26 December 1933, 165 League of Nations Treaty Series 19; Restatement No. 201 and comments a-e; I. Brownlie, supra note 16, pp. 74-75.

21/ Restatement No. 202. See also J. Crawford, The Creation of States in International Law 23 (1979) ("... in principle the denial of recognition to an entity which otherwise qualifies as a State cannot entitle the nonrecognizing States to act as if the entity in question was not a State."); J. Brierly, Law of Nations 139 (6th ed., Waldock, 1963) ("A state may exist without being recognized, and if it does exist in fact, then, whether or not it has been formally recognized by other states, it has a right to be treated by them as a state.").

22/ The Turkish Cypriot community has established a republican government exercising control over the northern third of the island of Cyprus. Although Turkish troops remain on Cypriot soil, the continuing presence of troops from a friendly state for the purpose of preserving the rights of the Turkish Cypriot people under the 1960 treaties is in no way inconsistent with statehood. The fact that the Turkish intervention was made pursuant to the terms of the 1960 treaties makes the case even stronger.

23/ "In most instances, the issue [whether a state should not be recognized because it acquired the attributes of statehood through the threat or use of force in violation of the United Nations Charter] is not subject to authoritative determination" and states, "particularly after a lapse of time, have been willing to accept a fait accompli." Restatement No. 202, Reporter's Note 5. For example, the international community was divided in its opinion on the legality of India's intervention in Bangladesh, but states have generally recognized Bangladesh as a state and Bangladesh has been admitted to the United Nations. Id. See infra, text accompanying note 24. Similarly, Brierly has stated that "[w]hether or not a new state has actually begun to exist is a pure question of fact; and as international law does not provide any machinery for an authoritative declaration on this question, it is one which every other state must answer for itself as best it can." J. Brierly, supra note 16, p. 137.

24/ See, for example, the following documents: United Nations General Assembly resolution 3212 (XXIX) (1976) (considering the "constitutional system of

/...

Notes (continued)

the Republic of Cyprus [to concern] the Greek Cypriot and Turkish Cypriot communities," commending "the contacts and negotiations taking place on an equal footing ... between the representatives of the two communities and call[ing] for their continuation"); United Nations Security Council resolution 649 (1990) (calling on the leaders of the two communities "to reach freely a mutually acceptable solution" and "to co-operate, on an equal footing, with the Secretary-General in completing" an outline of such a solution); General Assembly resolution 34/30 (1979) (calling for the resumption of the negotiations "between the representatives of the two communities, to be conducted freely on an equal footing"); General Assembly resolution 3395 (XXX) (1975) (same). See also "Opening statement delivered by the Secretary-General on Monday, 26 February 1990, at 12.15 p.m.", in report of the Secretary-General on His Mission of Good Offices in Cyprus (S/21183, annex 1) (8 March 1990) ("The mandate given to me by the Security Council makes it clear that my mission of good offices is with the two communities. My mandate is also explicit that the participation of the two communities in this process is on an equal footing. The solution that is being sought is thus one that must be decided upon by, and must be acceptable to, both communities.").

25/ See the following documents: Four Guidelines of 12 February 1977 (See S/12323) (declaring the goal of a bi-communal Federal Republic and recognizing that the two communities will administer different territories); Ten-Point Agreement of 19 May 1979 (See A/34/620 and Corr.1, annex V, para. 2) (reaffirming the 1977 Guidelines).

26/ United Nations Security Council resolution 649 (1990) (calling for a solution "providing for the establishment of a federation that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects in line with the present resolution and the[] 1977 and 1979 high-level agreements").

27/ The Vienna Convention on the Law of Treaties provides that treaties can be terminated by mutual consent of the parties. Vienna Convention on the Law of Treaties, 23 May 1969, art. 54, 1155 United Nations Treaty Series 331 (1969) ("The termination of a treaty or the withdrawal of a party may take place: ... (b) at any time by consent of all the parties after consultation with the other contracting States.").

At some point in the future, however, it may become apparent that no agreement on a successor régime can be reached and that further negotiations would be futile. Should this ever be the case, the only workable solution - one which international law would not, at that point, forbid - might be partition of the island, a solution considered by the British Colonial Secretary in 1956. See discussion supra, note 4.



Security Council

Distr.
GENERAL

S/21421
1 August 1990
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 1 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to enclose the text of the official communiqué issued at N'Djamena on 31 July 1990 in order to inform national and international opinion of the preparations for further Libyan-Sudanese aggression against Chad from the borders of the neighbouring country of the Sudan.

I should be grateful if you would have this letter and the text of the attached communiqué circulated as a document of the Security Council and placed in the Chad/Libya dossier which remains before the Council.

(Signed) Ahmet Abderaman HAGGAR
Chargé d'affaires a.i.

Annex

Communiqué by the Government of Chad dated 31 July 1990

An Extraordinary Council of Ministers, enlarged to include the members of the Executive Bureau of the Central Committee of the National Union for Independence and the Revolution (UNIR), met on Tuesday, 31 July 1990, under the chairmanship of His Excellency El-Hadj Hisseine Habré, President of the Republic, Head of State and President-Founder of UNIR.

The agenda comprised a single item: Developments in the Chad-Libya conflict.

Following the clear and detailed exposé by the President of the Republic and the ensuing discussions, the Government decided to inform national and international opinion of the following: despite the untiring political and diplomatic efforts made both by the Ad Hoc Committee of OAU and by many African heads of State and the Government of Chad itself to ensure that dialogue and peace prevail, expansionist Libya is persisting in its bad faith and in its aggressive policy directed against Chad.

Following the stinging defeats they sustained in October 1989 and March-April 1990 on the Chadian-Sudanese border, of which the Government has kept national and international opinion extensively informed, Libya and the Sudan are now preparing a new act of aggression which is without precedent in terms of the human and material resources committed to it and the intensity of the preparations under way.

Under the leadership of the Libyan Colonel Massoud Abdel-Hafiz and the Sudanese General Tidjani Adoum Taher, the Libyans have since May 1990 built up at Darfur a substantial arsenal delivered by air and land, and in part by parachute. Hundreds of vehicles equipped with heavy weapons of all calibres and armoured vehicles, including Cascavels and BRDMs, have been brought into position. In addition, hundreds and hundreds of mercenaries of all nationalities (Sudanese, Malians, Mauritaniens, etc.) have enlisted. Police raids have taken place in the Chadian colony in Libya. Numerous training camps have been opened in Libya and the Sudan. Furthermore, a joint Sudanese-Libyan brigade which has been in existence since the last act of aggression is providing escorts for military convoys from Kufra to Darfur. These intensive preparations and the exceptional resources that have been committed herald the imminence of a large-scale attack.

Indeed, it is nothing more nor less than total war that Libya and the Sudan are preparing to wage against Chad.

On the eve of the meeting of the Chad-Libya Joint Commission and the expiry of the deadline set in the Algiers Agreement for a political settlement, these intensive military preparations provide yet further evidence of Libya's constant concern to torpedo the efforts at peace and dialogue.

Under these circumstances, the Government of Chad draws the attention of international opinion to Libya's continuing duplicity and to the active participation of the Sudanese Junta in the conflict.

Accordingly, Chad appeals to the United Nations, to the Organization of African Unity, to the Organization of the Islamic Conference and to all countries that espouse the cause of peace and justice to assume their full responsibility in the face of this new war situation.

Moreover, the Government strongly urges the people of Chad to be fully aware of the total war that expansionist Libya and its ad hoc ally, the Sudan, are preparing to wage against them. More than ever before, the Chadian people must remain mobilized and vigilant until the forces of evil have been destroyed once and for all. Men and women, young and old, in all corners of Chad, business leaders, civil servants and the clergy, all Chadians without any exception, must participate in the great national surge of resistance to Libyan-Sudanese aggression.

For its part, the Government reaffirms its determination to employ all means at its disposal to counter the new war which is being prepared, while remaining available, as in the past, for dialogue with a view to a peaceful settlement of the conflict between it and Libya.



Security Council

Distr.
GENERAL

S/21422
1 August 1990

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE
DEPUTY REPRESENTATIVE OF MALAYSIA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 1 August 1990 from the Permanent Representative of Malaysia to the United Nations stating that Mr. Redzuan Kushairi has been appointed deputy representative of Malaysia on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.



Security Council

Distr.
GENERAL

S/21423
2 August 1990

ORIGINAL: ENGLISH

LETTER DATED 2 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF
KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

Upon instructions from my Government, I have the honour to request an immediate meeting of the Security Council to consider the Iraqi invasion of Kuwait in the early morning of 2 August 1990.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/21424
2 August 1990

ORIGINAL: ENGLISH

LETTER DATED 2 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF THE
UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

In light of the invasion of Kuwait by Iraqi forces and the request of the
Permanent Representative of Kuwait (S/21423), the United States urgently requests
an immediate meeting of the Security Council.

(Signed) Thomas R. PICKERING



Security Council

Distr.
GENERAL

S/21425
2 August 1990

ORIGINAL: ENGLISH

Canada, Colombia, Côte d'Ivoire, Ethiopia, Finland, France, Malaysia,
United Kingdom of Great Britain and Northern Ireland and United
States of America: draft resolution

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. Condemns the Iraqi invasion of Kuwait;
 2. Demands that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;
 3. Calls upon Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;
 4. Decides to meet again as necessary to consider further steps to ensure compliance with the present resolution.
-



General Assembly Security Council

Distr.
GENERAL

A/45/368
S/21426
2 August 1990
ENGLISH
ORIGINAL: ENGLISH AND
FRENCH

GENERAL ASSEMBLY
Forty-fifth session
Items 71, 142 and 144 of the
provisional agenda*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
DEVELOPMENT AND STRENGTHENING OF
GOOD-NEIGHBOURLINESS BETWEEN
STATES
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 2 August 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Italy to the United Nations
addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of the statement by the Twelve States members of the European Community on the Iraqi invasion of Kuwait (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under items 71, 142 and 144 of the provisional agenda, and of the Security Council.

(Signed) Mario SCIALOJA
Ambassador
Chargé d'affaires a.i.

* A/45/150 and Corr.1.

ANNEX

Statement by the Twelve States members of the European Community
on the Iraqi invasion of Kuwait

The Community and its member States have followed with apprehension during the last weeks the increase in tension in the dispute between Iraq and some Arab countries. They have welcomed the diplomatic efforts that the Arab countries and the Arab League itself were deploying and refrained from any stance and initiative in order to preserve such initiatives from any interference.

Following the breakdown of talks held at Jeddah under Arab auspices, the Community and its member States are now gravely concerned at the latest development in the dispute and, in particular, at the military aggression carried out by Iraq against Kuwait, which is not only a hostile action to a neighbour country, but also a dangerous threat to peace and stability in the region.

The Community and its member States strongly condemn the use of force by a member State of the United Nations against the territorial integrity of another State; this constitutes a breach of the Charter of the United Nations, and an unacceptable means to solve international differences. They therefore fully support the resolution adopted today by the Security Council.

The Community and its member States call upon all Governments to condemn this unjustified use of force and to work for an early re-establishment of the conditions for the immediate resumption of peaceful negotiations. In this light, they ask for an immediate withdrawal of Iraqi forces from Kuwait territory.

The Community and its member States will keep the matter under review and are ready to consider further initiatives.



General Assembly Security Council

Distr.
GENERAL

A/45/367
S/21427
2 August 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Item 35 of the provisional agenda*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 2 August 1990 from the Permanent Representative of
Japan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued on 2 August 1990 by the Chief Cabinet Minister of Japan on the Iraqi invasion of Kuwait (see annex).

I should be grateful if you would arrange to have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 35 of the provisional agenda, and of the Security Council.

(Signed) Yoshio HATANO
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative of
Japan to the United Nations

* A/45/150 and Corr.1.

A/45/367
S/21427
English
Page 2

ANNEX

Statement issued on 2 August 1990 by the Chief Cabinet Minister
of Japan on the Iraqi invasion of Kuwait

The Government of Japan deeply regrets that, at dawn on 2 August local time, Iraqi forces invaded Kuwait territory.

The Government of Japan, watching the development of the situation with great concern, demands the immediate withdrawal of Iraqi forces. It strongly hopes that the issues between Iraq and Kuwait will be settled peacefully, through dialogue and without the use of armed forces.



Security Council

Distr.
GENERAL

S/21428
2 August 1990

ORIGINAL: ENGLISH

LETTER DATED 2 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I., OF
THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of the Statement of the Ministry of Foreign Affairs of the Islamic Republic of Iran on the Iraqi aggression against Kuwait.

It will be highly appreciated if this letter and its annex were circulated as a document of the Security Council.

(Signed) Mohammad Javad ZARIF
Ambassador
Deputy Permanent Representative

Annex

Text of the statement of the Ministry of Foreign Affairs of
the Islamic Republic of Iran on Iraqi invasion of Kuwait

The Ministry of Foreign Affairs of the Islamic Republic of Iran, rejecting any use of force as a means of resolving problems in the region, considers that the military operations of Iraq against Kuwait constitute a serious threat to the security and stability of the volatile Persian Gulf region and condemns this act of aggression.

Although recent developments could be construed as one of the consequences of co-operation with the aggressor in the past - of which the Islamic Republic of Iran repeatedly warned the Persian Gulf States - the Islamic Republic of Iran firmly believes that respect for sovereignty and territorial integrity of States as well as non-interference in their internal affairs are cardinal principles governing the relations among nations.

Iraqi military aggression has been a blatant violation of the aforementioned principles, and its consequences have serious ramifications for our national as well as regional security and world peace. It can also provide a pretext for an increased presence of expansionist great Powers in our region. Therefore, we call on Iraq to withdraw all its forces immediately to the internationally recognized boundaries and settle its disputes peacefully.

The Islamic Republic of Iran, as the largest country in the region with the greatest interest in the Persian Gulf, cannot remain indifferent to the developments that threaten its national security and the stability of the region.



Security Council

Distr.
GENERAL

S/21429
3 August 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 3 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF
URUGUAY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to write to you in order to transmit the text of the
communiqué issued today by my Government concerning the recent events in Kuwait.

I should also like to request you to have the communiqué circulated as a
document of the Security Council.

(Signed) Ramiro PIRIZ-BALLON
Ambassador
Permanent Representative of Uruguay
to the United Nations

Annex

Communiqué dated 3 August 1990 from the Government of Uruguay

In view of the situation resulting from the invasion of Kuwait by Iraq, the Government of Uruguay reiterates its traditional position condemning the use of force and affirming the duty to respect the sovereign integrity of all States and settle international conflicts by peaceful means in accordance with the obligations under the Charter of the United Nations.

Respect for international law, which necessarily includes the rejection of all aggression, constitutes a fundamental principle of international coexistence, to which Uruguay has been and remains absolutely loyal.

In view of the grave situation that has been brought about, the Uruguayan Government hopes that the Security Council, whose duty it is to determine the existence of any act of aggression and take the necessary measures to restore international peace and security, will act with all the energy, decisiveness and speed that this very grave situation requires.



Security Council

Distr.
GENERAL

S/21430
3 August 1990
ENGLISH
ORIGINAL: ARABIC/ENGLISH

LETTER DATED 3 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF
OMAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of the statement of the Ministerial Council of the Gulf Co-operation Council at its meeting held in Cairo, Egypt on 3 August 1990, under the Chairmanship of His Excellency Mr. Yousef Bin Alawi Bin Abdullah, Minister of State for Foreign Affairs of the Sultanate of Oman.

It would be highly appreciated if this letter and its annex were circulated as a document of the Security Council.

(Signed) Salim Bin Mohammed AL-KHUSSEIBY
Ambassador
Permanent Representative

Annex

Statement issued by the Ministerial Council of the Gulf
Co-operation Council on 3 August 1990

The Ministerial Council of the Co-operation Council for the Arab States of the Gulf held an emergency session at Cairo today, Friday, 12 Muharram A.H. 1411, corresponding to 3 August A.D. 1990, under the chairmanship of His Excellency Mr. Yousef Bin Al-Alawi Bin Abdullah, Minister of State for Foreign Affairs of the Sultanate of Oman, and with His Excellency Mr. Rashid Bin Abdullah al-Nu'aymi, Minister of State for Foreign Affairs of the United Arab Emirates, His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister of Foreign Affairs of Bahrain, His Royal Highness Prince Saud al-Faisal, Minister of Foreign Affairs of the Kingdom of Saudi Arabia, His Excellency Mr. Mubarak Bin Ali al-Khatir, Minister of Foreign Affairs of the State of Qatar and His Excellency Dr. Abd al-Rahman al-Awadi, Minister of State for Cabinet Affairs of the State of Kuwait, in attendance in order to consider the grave situation arising out of the Iraqi aggression against Kuwait and the consequences following on that aggression carried out in flagrant violation of the sovereignty and independence of a State member of the Gulf Co-operation Council, the League of Arab States and the United Nations and in open breach of all inter-Arab, Islamic and international covenants, customs and laws.

The Council strongly condemns and expresses its deep grief at this act of aggression carried out by one fraternal Arab State against another in disregard of all the ties and bonds that link the Arab States together and in a manner incompatible with relations of brotherliness and good-neighbourliness.

The Ministerial Council affirms its condemnation of this brutal Iraqi aggression against the fraternal State of Kuwait, and it calls upon Iraq to withdraw its forces immediately and unconditionally to their positions prior to 1 August 1990.

The Council rejects this act of aggression and any effects to which it may give rise and will not recognize its consequences. It calls upon the League of Arab States to adopt a unified Arab stance on the basis of the spirit and principles of the Pact of the League of Arab States with a view to bringing the aggression to an end and eliminating its consequences in order to preserve the sovereignty and territorial integrity of the fraternal State of Kuwait.
